

Appl. No. 09/981,541
Supplemental After Final Response, dated July 2, 2004
Reply to: Office Action dated February 11, 2004

Remarks:

5 In an After Final Response filed May 11, 2004, Applicant provided a
declaration under 37 C.F.R. § 1.132, to overcome a rejection under 35 U.S.C. § 102(b),
based upon the Yau patent. In a phone call with applicant's attorney on June 16, 2004,
and in an Advisory Action mailed June 28, 2004, the Examiner held that the
experimental results presented in the declaration were not commensurate with the
example in the cited reference because the cited reference example used 120 phr of
rubber, while the experimental results were based on 105 phr of rubber. Applicant
10 appreciates the Examiner's having taken the additional time to discuss the issue in a
phone call on June 24, 2004, in which the Examiner agreed to consider another
declaration of the Applicant supporting applicant's use of 105 phr as being the most
appropriate choice for making a comparison to the Yau example.

15 Appended to this Amendment is a declaration of the Applicant, entitled
SUPPLEMENTAL DECLARATION OF KANEYOSHI HAYASHI UNDER
37 C.F.R. §1.132. This present declaration supplements the prior declaration, filed
May 11, 2004, which presented experimental results as proof that the claimed
invention possesses unexpectedly advantageous and superior properties. The present
20 declaration explains that, because Yau used an oil extended rubber, Applicant believes
that the lower phr used by Applicant more accurately represents the actual rubber
content of Yau.

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Applicant appreciates the ongoing assistance of the Examiner in this matter. In view of the foregoing, Applicant respectfully requests a Notice of Allowance be issued in this case.

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Respectfully submitted,

HAYASHI, Kaneyoshi

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